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10/697,801	10/31/2003	Do-Young Kim	Q77358	1154
23373 7590 12/16/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
SAINT CYR, JEAN D				
ART UNIT		PAPER NUMBER		
2425				
NOTIFICATION DATE		DELIVERY MODE		
12/16/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

Office Action Summary

Application No.

10/697,801

Applicant(s)

KIM, DO-YOUNG

Examiner

JEAN D. SAINT CYR

Art Unit

2425

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/2009 has been entered

Response to Amendment

This action is in response to applicant's amendment filed on 12/04/2009. Claims 1-11 are still pending in the current application and claim 12 is added. **This action is made NON- FINAL.**

Response to Arguments

Applicant's arguments are fully considered, but they are not persuasive. Applicant argues that the cited references did not disclose whenever a selected channel number is selected from among the N channels number for which the EPG information is displayed, tuning the selection channel and updating only EPG information corresponding to the selected channel number. Also, applicant argues that his system only updates the EPG information of a minor channel number is selected from the EPG.

However, Kondo et al show in fig.5 that whenever a channel number a selected from the EPG, the system simultaneously updates only the major and minors channels associated with that selected channels as disclosed in fig.5 and paragraph 044 of the current application.

Also, Kondo et al disclose once a channel has been selected, a control signal is sent to the processor to thereby instruct the tuner/decoder of the system of this invention to tune to the appropriate broadcast frequency, the processor compares the stored information with the currently broadcasting information as described above and updates the memory as necessary, col.4, lines 25-37; the system receives the change channel

request, displays the selected channel video, and updates the program and system information of the newly selected channel prior to displaying the updated EPG, col.7, lines 60-67; the system tunes to the broadcast frequency of the selected channel, and the EPG of the system displays only updated program and system information for that channel, col.12, lines 36-38; that means the system is capable of updating only the EPG information corresponding to the selected channel as disclosed in fig.5 and paragraph 0044 of the current application.

As we pointed out during the interview on 11/12/2009, the applicant tried to say that his invention only updated the EPG information corresponding to the selected minor channel and he had no support for that. Finally, fig.5 clearly shows that the selected channel number is major channel as channels 10, 12, 25 and so on and paragraph 0044 of the current application discloses if the user selects channel CH 12, EPG information of the selected channel CH 12 is tuned. As a result, only the channel that the user selects is tuned, and updated EPG information is displayed on a screen. That information proves the updated program information is associated with a major channel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al in view of Kondo et al, US No. 6763522.

Re claim 1, Inoue et al disclose method of controlling a program guide display using an electronic program guide (a method of displaying a program guide, lines 2-3, 0007), the method comprising: in response to a command to enter an EPG mode (see fig.5, element 46, EPG mode; if the EPG key 46 is pressed, the picture plane of the TV display is changed from the normal program picture plane to the EPG picture plane as shown in FIG. 3, 0088), displaying EPG information (see fig.1, element 200, EPG output) of N channel number (channels in a greater number than 5 may be simultaneously displayed, lines 5-6, 0082; n channels, 0117), which EPG information has been previously stored (The control data including the SI extracted by the demultiplexer 6 is stored into a RAM 16, 0066; see fig.1, element 14, flash memory for EPG; see fig.1, element 16, RAM information for EPG text).

But Inoue et al did not explicitly disclose whenever a selected channel number is selected from among the N channels number for which the EPG information is displayed, tuning the selection channel and updating only EPG information corresponding to the selected channel number.

However, Kondo et al disclose whenever a selected channel number is selected from among the N channels number for which the EPG information is displayed, tuning the selection channel and updating only EPG information corresponding to the selected channel number (see fig.5; Once a channel has been selected, a control signal is sent to the processor to thereby instruct the tuner/decoder of the system of this invention to tune to the appropriate broadcast frequency, the processor compares the stored information with the currently broadcasting information as described above and updates the memory as necessary, col.4, lines 25-37; the system receives the change channel request, displays the selected channel video, and updates the program and system information of the newly selected channel prior to displaying the updated EPG, col.7, lines 60-67; the system tunes to the broadcast frequency of the selected channel, and the EPG of the system displays only updated program and system information for that channel, col.12, lines 36-38; that means the system is capable of updating only the EPG

information corresponding to the selected channel as disclosed in fig.5 and paragraph 0044 of the current application).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Kondo into the invention of Inoue for the purpose of limiting latency in updating a selected channel.

Re claim 2, Inoue et al did not explicitly disclose wherein operation (a) further comprises tuning a channel of the N channels numbers for which the entry of the EPG mode is requested, and displaying updated EPG information.

However, Kondo et al disclose wherein operation further comprises tuning a channel of the N channels numbers for which the entry of the EPG mode is requested, and displaying updated EPG information (the EPG of the system displays only updated program and system information for that channel,col.12, lines 37-38).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Kondo into the invention of Inoue for purpose of users to visualize change in the EPG after a channel has been selected .

Re claim 3, Inoue et al disclose a method of controlling a program guide display in which an electronic program guide is displayed(see fig.1, element 200, EPG output) using one tuner(see fig.1, element 4, tuner), the method comprising: in response to a command to enter an EPG mode(if the EPG key 46 is pressed, the picture plane of the TV display is changed from the normal program picture plane to the EPG picture plane as shown in FIG. 3, 0088), displaying the EPG (see fig.1, EPG output) information of the current channel number , which is extracted in operation , and the EPG information of remaining channels numbers of the N channels numbers which has been previously stored(. The control data including the SI extracted by the demultiplexer 6 is stored into a RAM 16 under the control of a CPU 17. Also in the RAM 16, EPG text data to perform

the EPG display is stored. A flash memory 14 stores various graphic data to perform the EPG display, 0066).

But Inoue et al did not explicitly disclose checking if EPG information of N channels numbers has been stored; if the EPG information of N channels has been stored, tuning a current channel of the N channels numbers and extracting corresponding EPG information; and if a selected channel number is selected from among the N channels for which the EPG information of N channels is displayed in operation tuning the selected channel number and updating only EPG information corresponding to the selected channel number.

However, Kondo et al disclose a processor reads the currently broadcasting value of at least a portion of the system parameters from the appropriate PSI elementary streams, and compares those currently broadcasting values with previously stored values of those parameters to determine if the parameter values have changed. If a parameter value has changed, the currently broadcasting program and system information is read into memory to thereby update the stored program and system information, col.3, lines 3-11; the processor compares the stored information with the currently broadcasting information as described above and updates the memory as necessary, col.4, lines 35-38.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Kondo into the invention of Inoue for purpose of for the benefit of limiting duplication in updating EPG information of the selected channel.

Re claim 4, Inoue et al disclose wherein, in operation c, the updated EPG information of the current channel number and the EPG information of N-1 channels numbers of the EPG information of the N channels numbers which has been previously stored, is displayed(The control data including the SI extracted by the demultiplexer 6 is

stored into a RAM 16 under the control of a CPU 17. Also in the RAM 16, EPG text data to perform the EPG display is stored, 0066; see fig.1, element 14, flash memory for EPG; see fig.1, element 16, RAM information for EPG text).

Re claim 5, Inoue et al disclose wherein, in operation d, the selected channel is selected by positioning a cursor at a broadcasting program of a current channel while an EPG information screen is displayed, determining whether the cursor moves (as to move the cursor, lines 7-8, 0087), and if the cursor moves, determining whether the cursor moves vertically or horizontally (see fig.4, showing arrows when the cursor is moving vertically or horizontally).

Re claim 6, Inoue et al teach An apparatus configured to receive digital broadcasting(see fig.1, satellite digital broadcast receiving apparatus), the apparatus receiving a transport stream(see fig.1,element 6, transport stream; a transport stream , 0063) incorporating EPG information, the apparatus comprising: a demultiplexing unit (see fig.1, element 6, demultiplexer) configured to demultiplex the transport stream into a video stream, an audio stream, and the transport stream incorporating EPG information(The demultiplexer 6 extracts the audio data and video data corresponding to the selected service from among the inputted TS of the MPEG 2, and supplies them to an audio decoder 10 and a video decoder 8 respectively,0064); an image signal processing unit (see fig.1, element 9, display processor) configured to image-process streams demultiplexed by said demultiplexing unit; an EPG generating unit(see fig.1, element 16, information for EPG text) configured to generate a program guide screen using the EPG information; a display unit configured (see fig.1, element 200, display unit)to display an image signal output from said image signal processing unit(see fig.1, element 9, display processor) and the EPG information output(see fig.1, element 200, EPG output) from said EPG generating unit(see fig.1, element 16, information for EPG text).

But Inoue did not explicitly disclose a control unit configured to tune a current channel number and to detect corresponding broadcast information upon receipt of a request command of an EPG mode to tune a channel number selected from among channels numbers for which the EPG information is displayed by said display unit, and then to update EPG information corresponding to the selected channel number.

However, Kondo et al disclose Once a channel has been selected, a control signal is sent to the processor to thereby instruct the tuner/decoder of the system of this invention to tune to the appropriate broadcast frequency , the processor compares the stored information with the currently broadcasting information as described above and updates the memory as necessary, col.4, lines 25-37; the system receives the change channel request, displays the selected channel video, and updates the program and system information of the newly selected channel prior to displaying the updated EPG,col.7, lines 60-67; the system tunes to the broadcast frequency of the selected channel, and the EPG of the system displays only updated program and system information for that channel,col.12,lines 36-38).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Kondo into the invention of Inoue for the purpose of limiting latency in updating a selected channel.

Re claim 7, Inoue et al disclose further comprising a key input unit(see fig.5, key) configured to select a desired channel number from among the channels numbers(the tuner is tuned to a receiving band selected by the user, lines 8-9, 0063) for which EPG information is displayed(see fig.1, element 200, EPG output).

Re claim 8, Inoue et al disclose wherein the EPG information corresponding to the selected channel number is updated in a memory unit where such information is stored (see fig.1, element 16, RAM; program information is to be erased by sequentially updating the SI, 0092).

Re claim 9, Inoue et al disclose wherein the EPG information corresponding to the selected channel number is updated in a memory unit where such information is stored (see fig.1, element 16, RAM; program information is to be erased by sequentially updating the SI, 0092).

Re claim 10, Inoue et al disclose wherein the EPG information corresponding to the selected channel is updated in a memory unit where such information is stored (see fig.1, element 16, RAM; program information is to be erased by sequentially updating the SI, 0092).

Re claim 11, is met as previously discussed with respect to claim 3.

Re claim 12, is met as previously discussed with respect to claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcyr/

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/James Sheleheda/

Primary Examiner, Art Unit 2424